

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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GAINES HEARNS,

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No. 14-669V

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Special Master Christian J. Moran

Petitioner,

\*

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v.

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Filed: October 14, 2014

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SECRETARY OF HEALTH  
AND HUMAN SERVICES,

\*

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influenza (“flu”) vaccine;

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shoulder injury related to

Respondent.

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vaccine administration; SIRVA

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Ronald C. Homer, Conway, Homer, & Chin-Caplan, Boston, MA, for petitioner;  
Jennifer L. Reynaud, United States Department of Justice, Washington, DC, for respondent.

### **UNPUBLISHED RULING FINDING ENTITLEMENT**<sup>1</sup>

On July 29, 2014, Gaines Hearn filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. §300a—10 et. seq., alleging that he suffered a shoulder injury related to his receipt of influenza (“flu”) vaccine on January 16, 2013.

In her Rule 4(c) report, respondent states that “compensation is appropriate in this case.” Resp’t Rep’t, filed Oct. 9, 2014, at 1. Respondent adds that the Division of Vaccine Injury Compensation, Department of Health and Human Services, has reviewed the facts of this case and has concluded that the alleged injury, lasting for more than six months, “is consistent with a shoulder injury related to vaccine administration (‘SIRVA’),” and thus that “petitioner has satisfied all legal prerequisites for compensation under the Act.” *Id.* (citations omitted).

Special masters may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon a review of the record as a whole, the undersigned finds that petitioner has established that he is entitled to compensation for his injury.

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

**Accordingly, Mr. Hearn is entitled to compensation.** A status conference is set, sua sponte, for **Tuesday, November 4, 2014 at 2:00 P.M. Eastern Time**, to discuss the process for quantifying the amount of damages to which Mr. Hearn is entitled.

Any questions may be directed to my law clerk, Christina Gervasi, at (202) 357-6521.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master